

**UNITED STATES BANKRUPTCY COURT
DISTRICT OF MINNESOTA**

In re:

Edward Lyle Gross and
Nellie Daune Roberts.

Debtors.

Bky. No. 02-94367 GFK
Chapter 7 Case
ADV. No. 03-3090

The Great-West Life Assurance Company,

Plaintiff,

v.

ANSWER TO COMPLAINT

Edward Lyle Gross and
Nellie Daune Roberts,

Defendants.

Defendants, Edward Lyle Gross and Nellie Daune Roberts for their answer to Plaintiff's complaint herein, admit, deny, and allege as follows:

ANSWER

1. Defendants deny each and every matter of fact and thing alleged by Plaintiff in its complaint, unless admitted or otherwise qualified herein.

2. Defendants admit the allegations of paragraphs 2, 3, 4, 5, 7, 8, 9, 10, 14, 15, 16, 31, 37 of Plaintiff's Complaint.

3. Defendants lack sufficient information to be able to form a belief as to the truth and accuracy of Plaintiff's

allegations contained in paragraphs 1, 6, of Plaintiff's Complaint, and therefore deny the same.

4. Defendants deny the allegations of paragraphs 11, 18, 19, 20, 22, 23, 24, 26, 27, 28, 29, 33, 34, 35, 38, 39, 42, 43, 44, 46, 47, 48 of Plaintiff's Complaint.

5. Defendants admit so much of paragraph 12 of the complaint as alleges knowledge of the intended appeal and denies the balance thereof. Defendant Gross affirmatively alleges that there was no restriction imposed upon his ability to spend or otherwise deal with the money paid to him.

6. As to paragraph 14 of Plaintiff's Complaint, Defendant Gross admits that Plaintiff was successful on appeal. Defendant Gross affirmatively alleges that Judgment was entered against him for the \$190,000 on October 9, 2002.

7. As to paragraph 32 of Plaintiff's Complaint, defendants believe they have disclosed all property subject to the bankruptcy proceedings on their schedules or amended schedules, and further affirmatively allege that any property claimed to have not been disclosed would be immaterial and insubstantial.

8. With regard to paragraph 38, and without in any way qualifying the unequivocal denial previously made; the defendants assert affirmatively that the appraisal documentation

is not property of the Defendants, but is rather the property of Wells Fargo Bank, which has refused to provide a copy to them.

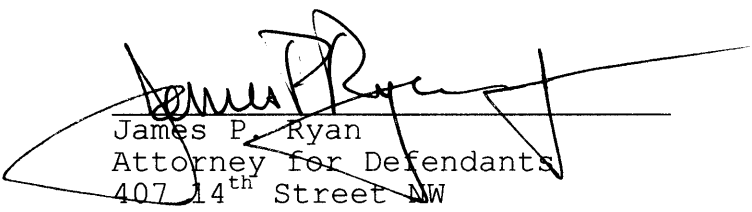
9. With respect to the allegations in Plaintiff's first claim for relief, paragraphs 17-19; and second claim for relief, paragraphs 20-24; Defendant Roberts asserts these claims seek no relief against her, and she specifically so alleges.

WHEREFORE, Defendants seek the following judgment of this court as follows:

1. Dismissing the plaintiff's complaint in its entirety;
2. For Defendants reasonable costs and attorneys fees incurred herein; and
3. For such other and further relief as the Court deems just and equitable.

Dated: 4/21/03

RYAN & GRINDE, LTD.


James P. Ryan
Attorney for Defendants
407 14th Street NW
Post Office Box 6667
Rochester, MN 55903-6667
(507) 282-8118
Attorney Reg. No. 94924

STATE OF MINNESOTA)
) ss.
COUNTY OF OLMSTED)

AFFIDAVIT OF SERVICE BY MAIL

RE: Edward Lyle Gross and Nellie Daune Roberts
Chapter 7 Bankruptcy
Case No. 02-94367
ADV. No. 03-3090

The undersigned, being first duly sworn, on oath deposes and says that on April 21, 2003, she served the attached document by mailing a true and correct copy thereof, by first class mail, with postage prepaid thereon, as follows:

DOCUMENTS SERVED:

◆ Answer to Complaint

PARTY(IES) SERVED:

U.S. TRUSTEE
1015 U.S. COURTHOUSE
300 S. FOURTH STREET
Minneapolis MN 55415

MR MICHAEL DIETZ
DUNLAP AND SEEGER, P.A.
206 SOUTH BROADWAY SUITE 505
ROCHESTER MN 55904

STEPHENSON & SANFORD, P.L.C.
ATTN: MARK D. STEPHENSON
501 MARQUETTE, SUITE 1440
MINNEAPOLIS MN 55402

ATTN CHRIS SEIDL
ROBINS KAPLAN MILLER & CIRESI LLP
2800 LASALLE PLAZA
800 LASALLE AVE
MINNEAPOLIS MN 55402-2015

Dated: April 21, 2003

Shannon Decker

Subscribed and sworn to before me
this 21st day of April, 2003.

Susan J Studier
Notary Public

